

FIREMAN’S FUND AGRIBUSINESS, INC.,)	AGBCA No. 2005-118-F
(Compliance Case No. SRCO-1852))	
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
Representing the Government:)	
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ORDER OF THE BOARD OF CONTRACT APPEALS

December 20, 2005

Opinion for the Board by Administrative Judge VERGILIO.

On December 8, 2004, the Board received a notice of appeal from Fireman’s Fund AgriBusiness, Inc., of Overland Park, Kansas (the insurance company), disputing a decision by the Department of Agriculture, Risk Management Agency (RMA). In particular, in a compliance case, No. SRCO-1852, involving five policy numbers, relating to a Standard Reinsurance Agreement (SRA), the Southern Regional Compliance Office (SRCO) issued initial findings that associated with each policy a sum certain, deemed to be an indemnity overpayment and a premium overstatement, totaling \$172,344 and \$58,728, respectively. At issue were prevented planting claims for corn during crop year 2001 in Colorado County, Texas. The insurance company responded, in writing, agreeing with the findings and indicating that it had made the appropriate accounting adjustments. By written response to the insurance company, the SRCO verified the appropriateness of each adjustment. Thereafter, the insurance company appealed the determination to the Deputy Administrator for Compliance of RMA, who denied the request for relief utilizing the rationale that because “no SRCO Final Findings were requested or rendered there is nothing to be appealed.” This appeal ensued, being filed within 90 days of receipt by the insurance company of the denial.

In filing this matter, the insurance company references regulation, 7 CFR 400.169(d), as the basis for this Board's jurisdiction. After the submission of the appeal file and a supplement, and an initial complaint, and answer, and telephone conferences involving the Board and parties, the parties agreed to proceed without further filings (that is, no amended complaint or answer).

On December 16, 2005, the Board received from the parties a stipulation of dismissal with prejudice, with each party to bear its own attorney fees and costs.

DECISION

Based upon the stipulation, this matter is dismissed with prejudice.

JOSEPH A. VERGILIO

Administrative Judge

Issued at Washington, D.C.

December 20, 2005